

REMARKS

A fresh copy of the cited Romano, *Oncogene* (1989) article is enclosed for the examiner's review. A fresh form PTO 1449 is also enclosed for him to acknowledge his review and consideration of the article.

Claims have been amended to recite a reference sequence identifier and to qualify what a "physiological effect of wild-type p53 protein" is. Three different physiological effects are recited in three sets of claims:

- Suppressing growth of a cell;
- Activating transcription of p53-regulated genes;
- Inhibiting unregulated growth of a cell.

These recitations are supported in the specification as originally filed. At page 12, lines 27-29, the specification teaches: "The eighteen unique clones shown in Figure 10 allow the identification of adjacent genes which may be regulated by p53 and may mediate *its growth-suppressive action.*" (Emphasis added.) At page 13, lines 3-6, the specification discloses: "It is an additional finding of the present invention that wild-type *p53 can activate the expression of genes* adjacent to a specific binding site. Moreover, the level of in vivo transactivation is proportional to the in vitro strength of DNA-binding." (Emphasis added.) At page 19, lines 25-27 the specification states: "Effective amounts will be administered to cause neoplastic cells *to become less aggressively neoplastic* or even *to stop the growth of the neoplastic cells* entirely." (Emphasis added.) It is respectfully submitted that these recitations are fully supported in the specification as originally filed and do not add new matter to the application.

Objections To The Informalities

The application was objected to for not complying with the sequence rules in two ways:

- The reference to SEQ ID NO: 1 was confusing at page 17, line 9, because the size of the referenced portion of SEQ ID NO: 1 did not precisely match the number of specifically recited nucleotides in the text. The text of the specification has been amended to clarify which nucleotides of SEQ ID NO: 1 are being referenced.
- The numbers of nucleotides in SEQ ID NO: 36 and SEQ ID NO: 39 was not accurately reflected by the numbers at the end of the lines of the paper sequence listing. This has been corrected in the new paper sequence listing, which also updates the former sequence listing by putting it in Trilateral format.

Withdrawal of these objections is respectfully requested.

Rejection of Claims 14, 19-21, and 42 Under 35 U.S.C. § 112, 2nd ¶

Claims 14, 19-21, and 42 are rejected as allegedly vague and indefinite and incomplete.

Specifically, two recitations are pointed to:

- “the physiological effect of wild-type p53 protein;” and
- “sequences adjacent to said monomer sequence in the human genome.”

The first phrase has been replaced in each of three sets of independent claims with three specific effects of p53: suppressing of cell growth; activating transcription of p53-regulated genes; and inhibiting unregulated growth of cells. It is respectfully submitted that each of these recitations is definite.

The second phrase has been amended to recite that the adjacent sequences are selected from those shown in SEQ ID NO: 4-23. It is respectfully submitted that these amendments render the claims clear and definite. Withdrawal of this rejection is respectfully requested.

Rejection of Claim 19 under 35 U.S.C. § 112, 1st ¶

Claim 19 is rejected as allegedly failing to comply with the written description requirement for the term “sequences adjacent to said monomer sequence in the human genome.” The rejection asserts that there is “no disclosure of the use of any genomic sequences adjacent to the monomer sequence” in the subject application. Applicant respectfully traverses.

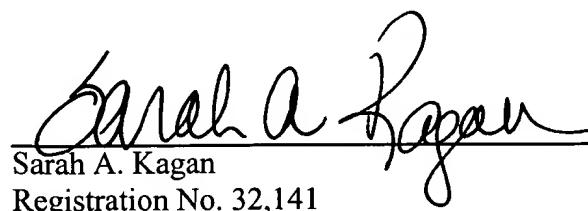
Figures 10A and 10B disclose monomers *with adjacent genomic sequences*. Claim 19 has been amended to recite that the adjacent sequences are selected from these particularly disclosed sequences. It is respectfully submitted that there is adequate written description for the claim as currently amended.

Withdrawal of this rejection is respectfully requested.

A speedy *second* allowance of this application is respectfully requested.

Respectfully submitted,

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